

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PHILLIP DEAN HANCOCK,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-873-G
)	
VICKI BEHENNA, Oklahoma)	
County District Attorney, et al.,)	
)	
Defendants.)	

ORDER

Now before the Court is a Motion to Dismiss (Doc. No. 29) filed by Defendants Vicki Behenna and Eric Pfeifer. No response or other filing has been submitted by any other party within the time allowed. The Court deems the factual representations made in the Motion to Dismiss confessed pursuant to Local Civil Rule 7.1(g).

Plaintiff Phillip Dean Hancock initiated this suit on October 4, 2023, seeking prospective declaratory and injunctive relief from the Court. The moving defendants represent, and the publicly available record confirms, that Mr. Hancock was executed by the State of Oklahoma on November 30, 2023. *See* Mot. to Dismiss at 1.


Mr. Hancock's death renders his claims for prospective relief moot and deprives the Court of subject-matter jurisdiction over this action. *See Estate of Schultz v. Brown*, 846 F. App'x 689, 693 (10th Cir. 2021). Accordingly, dismissal is required.

CONCLUSION

The Motion to Dismiss (Doc. No. 29) is GRANTED pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. This action is dismissed without prejudice.

A separate judgment shall be entered.

IT IS SO ORDERED this 28th day of December, 2023.



CHARLES B. GOODWIN
United States District Judge